

# ReedSmith

**Mark R. Shanks**  
 Direct Phone: 703-641-4304  
 Email: mshanks@reedsmith.com

Reed Smith LLP  
 3110 Fairview Park Drive  
 Suite 1400  
 Falls Church, VA 22042  
 703-641-4200  
 Fax 703-641-4340

February 12, 2007

U.S. Patent and Trademark Office  
 Mail Stop Missing Parts  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Re: U.S. National Phase Appl. No.: 10/577,375  
 Filed: April 28, 2006  
 For: *Fungus Having Activity of Controlling Disease of Gramineous Plant, Controlling Agent Using the Same, Method of Controlling and Biological Material*  
 Inventors: TATEISHI, et al.  
 Our Ref. No.: 358275.30008

---

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office:

1. Response to Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US);
2. Combined Declaration and Power of Attorney;
3. Copy of the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US);
4. Check No. *120978*, in the amount of \$130.00 for the surcharge; and
5. One return postcard.

02/13/2007 GFREY1 00000141 10577375  
 01 FC:1617 130.00 OP

LONDON ♦ NEW YORK ♦ LOS ANGELES ♦ SAN FRANCISCO ♦ WASHINGTON, D.C. ♦ PHILADELPHIA ♦ PITTSBURGH ♦ OAKLAND  
 MUNICH ♦ PRINCETON ♦ FALLS CHURCH ♦ WILMINGTON ♦ NEWARK ♦ MIDLANDS, U.K. ♦ CENTURY CITY ♦ RICHMOND ♦ LEESBURG

reedsmith.com

Commissioner of Patents & Trademarks  
February 12, 2007  
Page 2

ReedSmith

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

Respectfully submitted,

REED SMITH LLP

A handwritten signature in black ink, reading "Mark R. Shanks". The signature is written in a cursive style with a large, stylized "M" and "S".

Mark R. Shanks

Reg. No. 33,781

MRS:sg  
Encl.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

TATEISHI, *et al.*

Serial No.: 10/577,375

Filed: April 28, 2006

For: Fungus Having Activity of Controlling  
Disease of Gramineous Plant, Controlling Agent  
Using the Same, Method of Controlling and  
Biological Material

Art Unit: To Be Assigned

Examiner: To Be Assigned

Atty. Docket: 358275.30008

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 U.S.C. 371 IN THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Mail Stop Missing Parts  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir/Madam:

In response to the communication of January 4, 2007, Applicants submit: (1) a Declaration/Power of Attorney; (2) the required fee of \$130.00; and (3) a copy of the Notice of Missing Requirements.

Please associate the enclosed documents with the above-identified application.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0622. If a fee is required

for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

REED SMITH, LLP

Date: 2/12/07

By: Mark R. Shanks  
Mark R. Shanks  
Reg. No. 33,781

3110 Fairview Park Drive  
Suite 1400  
Falls Church, VA 22042  
(703) 641-4200

**32256**  
PATENT TRADEMARK OFFICE

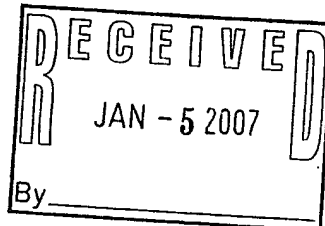


## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/577,375	FIRST NAMED APPLICANT Tateishi	ATTY. DOCKET NO. 35827530008
---	-----------------------------------	---------------------------------

32256  
 REED SMITH LLP  
 3110 FAIRVIEW PARK DRIVE  
 FALLS CHURCH, VA 22042



INTERNATIONAL APPLICATION NO. PCT/JP04/16088	
I.A. FILING DATE 10/29/2004	PRIORITY DATE 10/29/2003

CONFIRMATION NO. 6219  
 371 FORMALITIES LETTER



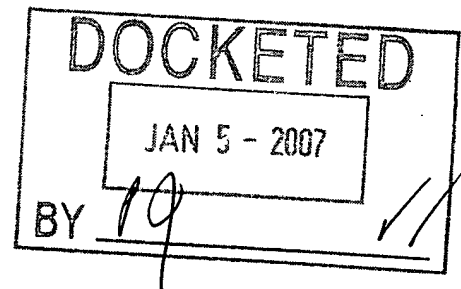
\*OC000000021825218\*

Date Mailed: 01/04/2007

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 04/28/2006
- English Translation of the IA filed on 04/28/2006
- Copy of the International Search Report filed on 04/28/2006
- Copy of IPE Report filed on 04/28/2006
- Copy of Annexes to the IPER filed on 04/28/2006
- English Translation of Annexes to the IPE filed on 04/28/2006
- Preliminary Amendments filed on 04/28/2006
- U.S. Basic National Fees filed on 04/28/2006
- Priority Documents filed on 04/28/2006



The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- \$130 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

CHARITTA A BURT

Telephone: (703) 308-9140 EXT 207

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/577,375	PCT/JP04/16088	35827530008